



Legislative Bulletin.....June 12, 2007

Contents:

H.R. 2638—PART I—Amendments to the Department of Homeland Security Appropriations Act, 2008

H.R. 2638, the Department of Homeland Security Appropriations Act, 2008 (sponsored by Rep. David Price, D-NC), is scheduled to be considered on the House floor today, June 12, 2007, subject to an open rule (H.Res. 473), making in order any germane amendment under the five-minute rule. The rule allows one motion to recommit with or without instructions.

The rule waives all points of order against consideration of the bill, except those regarding PAYGO and earmarks and allows the Chair to postpone consideration of the legislation at any time during its consideration. The rule also waives the no-authorizing-on-appropriations point of order against provisions in the underlying bill.

Note: The summaries below are based on RSC staff's review of *actual amendment text* as filed in the Congressional Record. For a summary of the underlying bill, see a separate RSC document released earlier today.

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Amendments Pre-Filed in the Congressional Record

1. Rogers (R-KY): Reduces the appropriations in the bill by 5.7% across the board, bringing the bill in line with President Bush's funding request, which itself is a 7.2% increase over the previous year.

2. Rogers (R-KY): Reinstates the 45,000 cap for the number of airport screeners who may be hired by the Transportation Security Administration.

3. Langevin (D-RI): Reserves \$50 million of the \$646.3 million for science and technology research for cybersecurity research and development.

4. Deal (R-GA): Prohibits funds from being used to provide assistance to any state or local government that fails to or refuses to assist in the enforcement of federal immigration laws.

5. Deal (R-GA): Prohibits funds from being used to destroy or put to pasture any horse or mule belonging to the United States that has become unfit for service, until the individual trainer or handler of the horse or mule is given the option for the transfer or conveyance of the horse or mule to the trainer's possession.

6. Tancredo (R-CO): Prohibits funds from being used to carry out the visa waiver program under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187). According to the sponsor's office, under the visa waiver program, foreign nationals from 27 countries are able to travel to the United States without first obtaining a visa.

7. Tancredo (R-CO): Prohibits funds from being used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)). This law bans ordinances passed by local governments that prevent cooperation between local police and federal immigration authorities. This amendment would prevent federal funds from being disbursed to state and local governments that violate this law.

8. Tancredo (R-CO): Prohibits funds from being used to carry out the diversity visa program established in section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)). This program makes available 50,000 permanent resident visas—through a random lottery—to foreigners in countries with low rates of immigration to the U.S.

9. Drake (R-VA): Reduces funds for the Under Secretary for Management by \$10 million and increases funds for immigration enforcement by \$9.1 million.

10. Drake (R-VA): Prohibits funds from being used by U.S. Citizenship and Immigration Services to grant an immigration benefit to any individual who commits manslaughter while under the influence of alcohol and while operating a motor vehicle that has been involved in interstate commerce.

11. Weldon (R-FL): Reserves \$250,000 of the \$4.1 billion for immigration enforcement for a study to determine how participation in the program under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) can be increased nationwide. This program is one in which state and local officials perform immigration functions in conjunction with the federal government.

12. Weldon (R-FL): Prohibits funds from being used to provide funds to a state or locality that refuses a "reasonable request" made by the head of a law enforcement agency of the state or locality that the state or locality take such steps as may be necessary in order for the law enforcement agency to participate in the program under section 287(g) of the Immigration and Nationality Act (the program allowing state and local officials to perform immigration functions in conjunction with the federal government).

13. Brown-Waite (R-FL): Reduces funds for the Under Secretary for Management by \$89.1 million (out of \$237.8 million) and increases funds for border fencing by \$89.1 million (in addition to \$1 billion in the underlying bill).

14. Brown-Waite (R-FL): Reserves \$300 million of the \$1 billion in the underlying bill for border fencing for fence construction along the southwest border of the United States.

15. Conaway (R-TX): Expresses a sense of the House of Representatives that any reduction in the amount appropriated by this Act achieved as a result of amendments adopted by the House should be dedicated to deficit reduction.

16. Conaway (R-TX): Increases by \$5 million and decreases by \$5 million funds for border fencing. This type of amendment allows the amendment sponsor to talk about an issue—in this case border fencing—without actually affecting the funding of it one way or the other.

17. Brown (D-FL). Decreases funding for the Office of the Chief Financial Officer of DHS by \$500,000 and increases funding for the Inspector General by \$500,000.

18. Brown (D-FL). Includes Orlando International and Miami International as two airports selected to implement a federal pilot program to screen workers who enter secure airport space.

19. Brown (D-FL). Reduces funds appropriated for the Office of the Chief Financial Officer of DHS by \$1 million and increases funds appropriated for state and local programs by \$1 million.

20. Brown (D-FL). Prohibits funds from being used to pay for any of the following positions after April 1, 2008:

- Ombudsman (Office of the Secretary of Homeland Security)
- Deputy Chief of Staff (Office of the Secretary of Homeland Security)
- Policy Adviser (Office of the Secretary of Homeland Security)
- Director of Public Liaison (Office of the Secretary of Homeland Security)
- Assistant Secretary (FEMA)
- Director of Policy and Program Analysis (FEMA)
- Regional Administrators (FEMA)
- Chief of Policy and Strategy (U.S. Citizenship and Immigration Services)
- Assistant Secretary for Policy Development (Office of the Assistant Secretary of Policy and Program Analysis)
- Director of Policy (Office of the Under Secretary for Emergency Preparedness and Response)
- Chief of Staff (Office of US-VISIT Program)
- Senior Policy Advisor (Office of US-VISIT Program)
- Policy Advisor (U.S. Customs and Border Protection)
- Director of Special Project for Transportation Security Policy (Transportation Security Administration)
- the Director of Transportation Security Policy for Border and Transportation Security (Office of the Under Secretary for Border and Transportation Security)
- Deputy Assistant Secretary for Infrastructure Protection Policy (Office of the Under Secretary for Information Analysis and Infrastructure Protection)
- Special Assistant for Science and Technology (Office of the Under Secretary for Science and Technology)

21. Crowley (D-NY). Decreases funding for the Office of the Secretary and Executive Management (\$102,930,000) by \$15 million and the Office of the Under Secretary of Management (\$237,765,000) by \$35 million. The amendment would increase terrorism prevention funding in urban areas (\$800,000,000) by \$50 million.

22. Gingrey (R-GA). Strikes a section of the bill that extends the “United States Secret Service Use of Proceeds Derived From Criminal Investigations” program. The 2007 program allowed secret service agents to use appropriated funds from previous fiscal years to acquire property, buildings, leases, and proprietary companies (for undercover purposes) without regard to other regulations outlined in U.S. Code.

23. Jackson Lee (D-TX). Requires that any reports called for in the bill and reported to the Committees on Appropriations, as well as DHS’ justifications in the President’s budget request, be posted on the DHS website within two days, unless the report would compromise national security.

24. Jackson Lee (D-TX). Requires that FEMA funds be used to increase outreach to encourage emergency preparedness for “racial and ethnic minorities, persons with disabilities, the elderly, and the economically disadvantaged.”

25. Jackson Lee (D-TX). Requires that the Secretary submit a classified report concerning the vulnerabilities of the nation’s pipelines and refineries to Congress within 120 days of the enactment of this bill.

26. Issa (R-CA). Prohibits funds from being used for entering into a contract with an entity that does not agree to participate in the pilot program to check the legal status of job applicants as described in Sec. 403(a) of the Illegal Immigration Responsibility Act of 1996.

27. Shays (R-CT). Provides that \$100,000 of funds under the U.S. Border and Customs Salaries and Expenses heading be made available for information sharing between DHS and Interpol.

28. Poe (R-TX). Prohibits funds from being used to implement a plan that permits travel into the United States from a foreign country with any document other than a passport.

29. Carter (R-TX). Strikes the section of the bill that outlines spending restrictions on funds for Border Security Fencing, Infrastructure, and Technology.

30. Ellsworth (D-IN). Inserts a new section at the end of the bill that would prohibit DHS from using funds to enter into a contract in an amount higher than the simplified acquisition minimum, unless the contractor certifies in writing that he does not have a federal tax debt. In addition, the Federal Acquisition Regulation would then be modified to certify whether a prospective contractor:

- Has or has not been convicted of violating any tax law or failing to pay taxes within the past three years.
- Has or has not been notified of any delinquent taxes in the past three years.
- Has or has not received notice of a tax lien that remains unsatisfied or has not been released within the past three years.

NOTE: Some of the Hensarling amendments below may be offered by other Members.

31. Hensarling (R-TX): Reduces funds for the Office of the Secretary and Executive Management by \$138,000.

32. Hensarling (R-TX): Reduces funds for the Office of the Secretary and Executive Management by \$300,000.

33. Hensarling (R-TX): Reduces funds for the Office of the Secretary and Executive Management by \$1.2 million.

34. Hensarling (R-TX): Reduces funds for the Office of the Under Secretary for Management by \$142,000.

35. Hensarling (R-TX): Reduces funds for the Office of the Under Secretary for Management by \$350,000.

36. Hensarling (R-TX): Reduces funds for the Office of the Under Secretary for Management by \$10.2 million.

37. Hensarling (R-TX): Reduces funds for the Office of the Under Secretary for Management by \$1.5 million.

38. Hensarling (R-TX): Reduces funds for the Office of the Under Secretary for Management by \$1.2 million.

39. Hensarling (R-TX): Reduces funds for the Office of the Chief Financial Officer by \$6.0 million.

40. Hensarling (R-TX): Reduces funds for the Office of the Chief Financial Officer by \$400,000.

41. Hensarling (R-TX): Reduces funds for the Office of the Chief Financial Officer by \$13.3 million.

42. Hensarling (R-TX): Reduces funds for the Office of the Chief Financial Officer by \$79,000.

43. Hensarling (R-TX): Reduces funds for the Office of the Chief Financial Officer by \$10.0 million.

44. Hensarling (R-TX): Eliminates all funds for bridge alteration (where earmarks are likely to show up in conference).

45. Hensarling (R-TX): Reduces funds for formula-based state and local grant programs by \$25 million (out of \$550 million)

- 46. Hensarling (R-TX):** Reduces funds for formula-based state and local grant programs by \$300 million (out of \$550 million).
- 47. Hensarling (R-TX):** Reduces funds for Commercial Equipment Direct Assistance grants by \$20 million (out of \$20 million).
- 48. Hensarling (R-TX):** Reduces funds for port security grants by \$190 million (out of \$400 million).
- 49. Hensarling (R-TX):** Reduces funds for intercity rail transportation grants by \$225 million (out of \$400 million).
- 50. Hensarling (R-TX):** Reduces funds for interoperable communications grants by \$50 million (out of \$50 million).
- 51. Hensarling (R-TX):** Reduces funds for training and technical assistance grants by \$58 million (out of \$293 million).
- 52. Hensarling (R-TX):** Reduces funds for training and technical assistance grants by \$50 million (out of \$293 million).
- 53. Hensarling (R-TX):** Reduces funds for firefighter assistance grants by \$270 million (out of \$800 million).
- 54. Hensarling (R-TX):** Reduces funds for firefighter assistance grants by \$23 million (out of \$800 million).
- 55. Hensarling (R-TX):** Strikes the Buy-America requirement in the underlying bill.
- 56. Hensarling (R-TX):** Strikes the prohibition on employees of the Citizenship and Immigration Services from having to compete with private-sector entities for certain functions of the bureau.
- 57. Hensarling (R-TX):** Strikes the Davis-Bacon prevailing wage requirements in the underlying bill (see the RSC's Legislative Bulletin on the underlying bill for more details).
- 58. Hensarling (R-TX):** Prohibits state and local grant funds (for high threat, high-density urban areas) from being used for dance classes.
- 59. Hensarling (R-TX):** Prohibits state and local grant funds (for high threat, high-density urban areas) from being used for puppet shows.
- 60. Hensarling (R-TX):** Prohibits state and local grant funds (for high threat, high-density urban areas) from being used for bingo games.
- 61. Hensarling (R-TX):** Prohibits state and local grant funds (for high threat, high-density urban areas) from being used for yoga classes.

62. Hensarling (R-TX): Prohibits state and local grant funds (for high threat, high-density urban areas) from being used for art classes.

63. Hensarling (R-TX): Prohibits state and local grant funds (for high threat, high-density urban areas) from being used for theater workshops.

64. Hensarling (R-TX): Prohibits state and local grant funds (for terrorism prevention) from being used for dance classes.

65. Hensarling (R-TX): Prohibits state and local grant funds (for terrorism prevention) from being used for puppet shows.

66. Hensarling (R-TX): Prohibits state and local grant funds (for terrorism prevention) from being used for bingo games.

67. Hensarling (R-TX): Prohibits state and local grant funds (for terrorism prevention) from being used for yoga classes.

68. Hensarling (R-TX): Prohibits state and local grant funds (for terrorism prevention) from being used for art classes.

69. Hensarling (R-TX): Prohibits state and local grant funds (for terrorism prevention) from being used for theater workshops.

70. Hensarling (R-TX): Prohibits state and local grant funds (for interoperable communications) from being used for dance classes.

71. Hensarling (R-TX): Prohibits state and local grant funds (for interoperable communications) from being used for puppet shows.

72. Hensarling (R-TX): Prohibits state and local grant funds (for interoperable communications) from being used for bingo games.

73. Hensarling (R-TX): Prohibits state and local grant funds (for interoperable communications) from being used for yoga classes.

74. Hensarling (R-TX): Prohibits state and local grant funds (for interoperable communications) from being used for art classes.

75. Hensarling (R-TX): Prohibits state and local grant funds (for interoperable communications) from being used for theater workshops.

76. Hensarling (R-TX): Prohibits state and local grant funds (for emergency performance grants) from being used for yoga classes.

- 77. Hensarling (R-TX):** Prohibits state and local grant funds (for emergency performance grants) from being used for bingo games.
- 78. Hensarling (R-TX):** Prohibits state and local grant funds (for emergency performance grants) from being used for puppet shows.
- 79. Hensarling (R-TX):** Prohibits state and local grant funds (for emergency performance grants) from being used for dance classes.
- 80. Hensarling (R-TX):** Prohibits state and local grant funds (for emergency performance grants) from being used for art classes.
- 81. Hensarling (R-TX):** Prohibits state and local grant funds (for emergency performance grants) from being used for theater workshops.
- 82. Hensarling (R-TX):** Prohibits funds from being used for the alteration or removal of the Galveston Causeway Bridge in Galveston, Texas.
- 83. Hensarling (R-TX):** Prohibits funds from being used for the alteration or removal of the Burlington Northern Railroad Bridge in Burlington, Iowa.
- 84. Hensarling (R-TX):** Prohibits funds from being used for the alteration or removal of the Canadian Pacific Railway Bridge in LaCrosse, Wisconsin.
- 85. Hensarling (R-TX):** Prohibits funds from being used for the alteration or removal of the Chelsea Street Bridge in Chelsea, Massachusetts.
- 86. Hensarling (R-TX):** Prohibits funds from being used to pay the salary of a Department of Homeland Security Director of the Office of Multimedia.
- 87. Hensarling (R-TX):** Prohibits funds from being used to purchase a Louis Vuitton handbag.
- 88. Hensarling (R-TX):** Prohibits funds from being used to pay for adult entertainment.
- 89. Hensarling (R-TX):** Prohibits funds from being used to pay for a parking ticket.
- 90. Hensarling (R-TX):** Prohibits funds from being used to purchase jewelry.
- 91. Hensarling (R-TX):** Prohibits funds from being used to pay a bail bond.
- 92. Hensarling (R-TX):** Prohibits funds from being used to send or otherwise pay for the attendance of more than 50 Federal employees at any single conference occurring outside the United States.
- 93. Hensarling (R-TX):** Implements an across-the-board reduction of \$362.5 million (1% of the total appropriations in the underlying bill).

94. *Lofgren (D-CA)*. Provides that \$3 million of the \$16 million appropriated for bridge alterations would be used for the establishment of a “Nation Transportation Security Center of Excellence.”

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